

CF-602  
①  
Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

SECOND APPEAL NO.- 83 /2004

APPELLANTS:  
(Plaintiffs)

1. Jan Bai, widow Ghuraudas  
Aged 50 years, R/o. Leemgaon,  
Tah. & Dist. Korba (CG).
2. Shiv Das, S/o. Ghuraudas,  
Aged 22 years, R/o. Leemgaon,  
Tah & Dist. Korba (CG).
3. Lakshmin Bai, D/o. Ghuraudas,  
Age 25 years, R/o. Leemgaon,  
Tah & Dist. Korba.
4. Kirtandas S/o. Ghuraudas  
Mahand, Aged 13 years, minor,  
through mother (Guardian) suit  
friend Jan Bai W/o. Ghuraudas,  
R/o. Leemgaon, Tahsil & Dist.  
Korba (CG).
5. Teras Bai, D/o. Ghuraudas,  
Age 12 years, minor through  
mother natural guardian suit  
friend Jan Bai W/o.  
Ghuraudas, R/o. Leemgaon,  
Tahsil & Dist. Korba (CG).
6. Sahodara Bai, D/o. Ghuraudas,  
Aged 9 years minor through  
mother & natural guardian and  
suit friend Leemgaon, Tah. &  
Dist. Korba (CG)  
All resident Vill. Leemgaon,  
Tah. & Distt. Korba (CG).

VERSUS

RESPONDENTS:  
(Defendants)

1. Ram Bai, D/o. Bundelsingh  
Age 48 yrs., Caste-Gond, R/o.  
Vill. Leemgaon, Tah & Dist:  
Korba (CG)
2. State of Chhattisgarh through  
The Collector Distt. Korba

MEMO OF SECOND APPEAL UNDER SECTION 100 OF THE  
CODE OF CIVIL PROCEDURE 1908.

## आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक<br>तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार<br>के अन्तिम आदेश |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
|                                    | <p><b><u>26.07.2006</u></b></p> <p>Shri F.S. Khare, counsel for the appellants.<br/>None for respondent No.1.<br/>None for respondent No.2/State.</p> <p>It is stated by Shri Khare that respondent No.1 has died on 12.2.2004. He submits that she was the sole defendant in the suit before the trial Court. The plaintiffs' suit before the trial Court was dismissed and ultimately the first appeal filed by them was also dismissed by the appellate Court. His submission is that there are no legal representatives of respondent No.1 except the plaintiffs who are the only surviving close relations of the sole deceased/respondent No.1. He submits that ultimately, after the death of sole defendant, the entire property shall be reverted back to the ownership of the plaintiffs. In this view of the matter, now the plaintiffs do not want to press this appeal any more. He prays for dismissal of the appeal.</p> <p>The appeal is dismissed as not pressed.</p> <p>In view of the above, I.A. No. 2/2005 filed under order 22 Rule 4, I.A. No. 3258/2005 for out of turn hearing and I.A. No.2362/2006 filed under Section 151 of C.P.C. stand disposed of.</p> | <p>Sd/-<br/>Sunil Kumar Sinha<br/>Judge</p>               |

P.T.O.

vatti

28/9/06